

REMARKS

Initially application would like to thank the examiner for his thorough review of the prior art in light of the claims as submitted. Applicant has amended the claims as indicated about to overcome the examiners rejections and in light of his telephone interview with him.

Initially, applicant has canceled claims 1-7, 9-11 and 17-21. Claim 8 has been amended and new claims 22 has been added.

The examiner has rejected claims 14-16 under 35 U.S.C. 103(a) as being unpatentable over US Patent No 5,406,966, Lepkowski and US Patent No. 6257,264 to Sturman and US Patent No. 6,766,560 to Murphy. Murphy teaches the use of a leaf blower to clean the gutter. Murphy does not teach how an automatic system can be set up and designed in order to blower the entire gutter using air. Such design is based upon specific pressures and piping as described in Applicant's specification and as claimed. The examiner has used Murphy in combination with Lepkowski to say that it is obvious to once skilled in the art to modify the gutter cleaning system of applicant to use air instead of water. Applicant would like to point out that none of the art of record teaches the pressures and structure required as described and claimed by Applicant to insure that the gutter system works utilizing air as the cleaning medium. It is essential to have the pressures as claimed in order to remove debris such as pine needles as described by Applicant. Thus, since the art does not teach the use of air in a system to clean the entire gutter applicant respectfully request the rejection be withdrawn based upon the claims as presently amended.

Further, the examiner has reject the previous claim 9 now amended claim 8 under 35 U.S.C. 103(a) as being unpatentable over US Patent No 5,406,966, Lepkowski and US Patent No. 6257,264 to Sturman and US Patent No. 6,446,302 to Kasper. Applicant would like to respectfully request that the rejection of claims 9 be withdrawn since the prior art cited cannot be combined since it is non-analogous. See In re Clay, 966 F.2d 656, 23 USPQ2nd 1058 (Fed Cir. 1992). The Federal Circuit in In re Clay states the rule that there are two criteria for determining whether prior art is analogous. First, whether the art is from the same field of endeavor, and second if not within the same field of the inventors endeavor then whether the reference is still reasonably pertinent to the particular problem with which the inventor is involved.

Applicant respectfully submits that Kasper is non-analogues to Applicant field of endeavor. Kasper teaches an upright cleaning machine for floors. The cleaning of floors is not analogues to the field of removing debris from gutters. The sensors used in Kasper are for detecting the degree of the soil to adjust the cleaning apparatus. Kasper does not teach the use of sensors to monitor the floor and automatically turn the floor cleaning machine on and off based upon whether it is dirty or not as described and claimed by applicant.

Applicants claims as now claims a monitoring device using a sensor that is used to turn the system on and off to remove the debris from the gutter. Kasper needs an operator and Applicants invention as described is automatic such that an operator is not required. That is the exact problem applicant is overcoming is a fully automatic system requiring no operator interface. All of the art cited by the examiner requires and operator turn the system on or a system that operates using time intervals. Applicant invention as

claimed uses sensing such that only when debris is present the system is operates, which is very efficient and economical.

CONCLUSION

Based upon the above discussion and clarifying amendment to claim 8 Applicant respectfully request that the Examiner issues a notice of allowance for claims 8, 14 - 16 and 22.

Should the Examiner have any questions concerning this paper or application, or if any undeveloped issues or questions remain, the Examiner may contact Applicants' to resolve such issue or question. All correspondence should continue to be directed to the applicant address.

This response is being faxed to the examiner on February 2nd, 2005 to fax number 571-273-4896.

Dated: Feb 2nd, 2005

By:

Respectfully submitted,



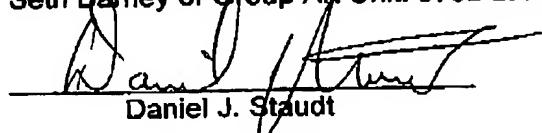
Daniel J. Staudt

Reg. No.: 34,733

Attorney for Applicant

Certification of Transmission under 37 CFR 1.8

I hereby certify that this document, and an office action response, being 5 pages in length, is being transmitted to the Patent and Trademark Office on February 2, 2005 to Seth Barney of Group Art Unit: 3752 at Fax Number 571-273-4896.



Daniel J. Staudt